

Buchwald, N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CBS BROADCASTING INC.,
CBS STUDIOS INC.,
BIG TICKET TELEVISION, INC.,
NBC STUDIOS LLC,
OPEN 4 BUSINESS PRODUCTIONS LLC,
UNIVERSAL NETWORK TELEVISION, LLC,
NBC SUBSIDIARY (KNBC-TV) LLC,
TWENTIETH CENTURY FOX FILM CORPORATION,
FOX TELEVISION STATIONS, INC.,
ABC HOLDING COMPANY INC.,
AMERICAN BROADCASTING COMPANIES, INC.,
and DISNEY ENTERPRISES, INC.,

Plaintiffs,

v.

FILMON.COM, INC.,

Defendant.

MEMO ENDORSED

Case No. 1:10-cv-07532-NRB

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/7/14

ORDER TO SHOW CAUSE RE CONTEMPT OF INJUNCTION

Upon the application of Plaintiffs for an Order to show cause why the Court should not hold defendant FilmOn.com, Inc. and Mr. Alkiviades David (collectively "FilmOn") in contempt for violating the Stipulated Consent Judgment and Injunction entered by the Court on August 8, 2012 (the "Injunction") by publicly performing copyrighted broadcast television programs in which the Plaintiffs own or exclusively control the copyrights over its "Teleporter" system ("Teleporter");

And having read and considered the papers submitted by Plaintiffs in support of such application, including the Memorandum of Law and Declaration of C. Scott Morrow in support of the requested relief, NOW, THEREFORE,

MRS
IT IS ORDERED THAT defendant FilmOn.com, Inc. and Mr. Alkiviades David show cause before the Honorable Naomi Reice Buchwald, United States District Judge, Courtroom 21A of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, on July 22 2014 at ^{10:00 a}~~3:30 p~~.m., or as soon thereafter as counsel can be heard, why an Order should not be entered:

1. Holding FilmOn in contempt for violating the Injunction by publicly performing over the Internet broadcast television programming in which Plaintiffs own or exclusively control the copyrights without permission from Plaintiffs;
2. Requiring FilmOn immediately to comply with the Injunction, including by ceasing operations of its "Teleporter" service and any other device or process by which it publicly performs plaintiffs' copyrighted programming over mobile networks and/or the Internet, and imposing coercive penalties as necessary to enforce the Injunction;
3. Awarding compensatory damages to Plaintiffs in an amount reflecting the severity of the contempt shown by FilmOn for this Court's Injunction; and
4. Granting Plaintiffs such other and further relief as the Court may deem just and proper, including without limitation reasonable attorneys fees incurred in connection with this contempt proceeding.

ORDER COMPELLING DEFENDANTS TO PRESERVE INFORMATION

Pending the final disposition of this Order, FilmOn shall preserve all documents, electronically stored information, and/or tangible things relevant to the subject matter of, or reasonably calculated to lead to the discovery of admissible evidence in, this action or any of the claims asserted herein and maintain them in an accessible form and place.

SERVICE, OPPOSITION AND REPLY PAPERS

IT IS FURTHER ORDERED THAT this Order, together with the papers upon which it was granted, be served upon defendant no later than July 3, 2014, or within one court day of the date on which the Court enters this Order, whichever comes later, with proof of service filed no later than July 8, 2014. Service shall be deemed good and sufficient if made (a) personally, (b) by certified mail (return receipt requested) or express overnight delivery, or (c) by any other means authorized by the Federal Rules of Civil Procedure, as well as by email.

IT IS FURTHER ORDERED THAT answering papers by FilmOn, if any, shall be filed no later than July ¹⁴ ~~11~~, 2014 ^{at noon} ~~and served personally or by overnight delivery~~ ^{simultaneously}, as well as by email, upon the attorneys for Plaintiffs ~~to be received on or before 12:00 p.m., on July 14, 2014,~~ and ^{two} ~~a~~ ^{ies} ~~courtesy copy~~ shall be delivered to the Court's Chambers at the same time. Any reply papers by Plaintiffs shall be filed on or before ^{10:00 am} ~~12:00 p.m.~~ on July ¹⁷ ~~18~~, 2014, and ^{simultaneously} ~~served~~ personally ^{two} ~~or by overnight delivery~~, as well as by email, and ^{ies} ~~a~~ ^{two} ~~courtesy copy~~ shall be delivered to the Court's Chambers at the same time.

SO ORDERED.

DATED: July 7, 2014

Lani Reese Bucar
UNITED STATES DISTRICT JUDGE